

SUPREME COURT OF ARIZONA

ARIZONA REPUBLICAN PARTY, a ) Arizona Supreme Court  
recognized political party; and ) No. CV-22-0048-SA  
YVONNE CAHILL, an officer and )  
member of the Arizona Republican )  
Party and Arizona voter and )  
taxpayer, )  
)  
Petitioners, )  
) **FILED 03/23/2022**  
v. )  
)  
KATIE HOBBS, in her official )  
capacity as Arizona Secretary of )  
State; and STATE OF ARIZONA, a )  
body politic, )  
)  
Respondents. )  
\_\_\_\_\_ )

**ORDER DENYING MOTION TO STRIKE**

The Court has received the "Arizona Secretary of State's Motion to Strike State of Arizona's Response to Application for Issuance of Writ Under Exercise of Original Jurisdiction and Brief Amicus Curiae of Arizona Attorney General Mark Brnovich," filed on March 15, 2022, and "The State of Arizona and the Attorney General's Response to the Secretary of State's Motion to Strike," filed on March 18, 2022. Upon consideration, the alleged legal errors in the State's Response do not warrant the sanction of striking the entire Response as requested in this motion (although the Secretary acknowledges Section IV is a proper response). Moreover, with respect to the motion to strike

the Attorney General's "Brief Amicus Curiae," it is clear that: (1) Rule 7(f), Rules of Procedure for Special Actions provides that an "amicus curiae brief . . . shall conform to the requirements of Rule 16, ARCAP," and (2) ARCAP 16(a) states that the "[a]micus curiae is not a party to the appeal, and must be independent of any party to the appeal." Even if the Attorney General's "Brief Amicus Curiae" does not meet such technical requirements, it is clear the Attorney General is entitled to be heard in this case under Arizona statute. See A.R.S. § 12-1841(A) (Attorney General "shall be entitled to be heard" in "any proceeding in which a state statute . . . is alleged to be unconstitutional"). The Attorney General's "Brief Amicus Curiae" may be considered a responsive pleading under Arizona statute rather than an amicus brief. Therefore, upon consideration,

**IT IS ORDERED** denying the "Arizona Secretary of State's Motion to Strike State of Arizona's Response to Application for Issuance of Writ Under Exercise of Original Jurisdiction and Brief Amicus Curiae of Arizona Attorney General Mark Brnovich."

DATED this 23rd day of March, 2022.

\_\_\_\_\_/s/\_\_\_\_\_  
KATHRYN H. KING  
Duty Justice

TO:

Alexander Michael del Ray Kolodin  
Veronica Thorson  
Roger W Strassburg Jr  
Arno Naeckel  
Sambo Dul  
Roopali H Desai  
Kristen M Yost  
D Andrew Gaona  
Mark Brnovich  
Joseph A Kanefield  
Brunn W Roysden III  
Michael S Catlett  
Jennifer Wright  
Timothy A LaSota  
William P Ring  
Roy Herrera  
Daniel A Arellano  
Jillian Andrews  
M Patrick Moore Jr.  
Elisabeth C Frost  
Richard A Medina  
William K Hancock  
Paul F Eckstein  
Daniel C Barr  
Austin Yost  
Luci Danielle Davis  
Kathleen E Brody  
Jon Sherman  
Daniel J Adelman  
Samuel Schnarch  
Allister R Adel  
Thomas P Liddy  
Joseph Branco  
Karen J Hartman-Tellez  
Joseph Eugene La Rue  
Anna Christina Estes-Werther  
Nancy L Davidson  
James E Barton II  
Jacqueline Soto  
Maya S Abela

Corey Lovato  
Doreen N McPaul  
Katherine Claire Belzowski  
Frances R Sjoberg  
Aidan Graybill  
Patricia F Bohnee  
Judith M Dworkin  
Joshua W Carden  
David Warrington  
Gary Lawkowski  
Dennis I Wilenchik  
John D Wilenchik  
Jordan C Wolff  
Alberto Rodriguez  
Alicia Moffatt